

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3       CHESTER J DUDA,

4               Petitioner

5       v.

6       BRIAN E. WILLIAMS, et al.,

7               Respondents

Case No.: 2:16-cv-02108-JAD-VCF

**Order Directing Petitioner to Respond  
to 9/21/18 order by 3/8/19**

[ECF No. 36]

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9               On September 21, 2018, this court directed habeas corpus petitioner Chester Duda to  
10       advise the court what he wants to do with his unexhausted claims.<sup>1</sup> His response was due on  
11       October 22, 2018. The order was served on Duda at his address of record, but he has filed no  
12       response.

13              On December 28, 2018, Duda filed what he styles as a motion for status check,  
14       “requesting a status check on Judge’s final order so he can proceed with his case.”<sup>2</sup> While there  
15       is no other indication that Duda somehow did not receive the September 21, 2018, order, Duda’s  
16       recent filing appears to reflect confusion about what needs to happen next in this litigation.  
17       Therefore, out of an abundance of caution and in the interest of justice, I will direct the Clerk of  
18       Court to re-send the order to Duda and give Duda until March 8, 2019, to comply with that  
19       September 21, 2018, order [ECF No. 35] by submitting a sworn declaration that states whether  
20       he will (1) formally and forever abandon the unexhausted grounds for relief in his federal habeas

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23       <sup>1</sup> ECF No. 35.

<sup>2</sup> ECF No. 36.

1 petition and proceed on the exhausted grounds; OR (2) dismiss this petition without prejudice in  
2 order to return to state court to exhaust his unexhausted claims.

3 IT IS THEREFORE ORDERED that the Clerk of Court is directed to **SEND a copy of**  
4 **the order at ECF No. 35 to petitioner.**

5 IT IS FURTHER ORDERED that **petitioner must comply with the order at ECF No.**  
6 **35 by March 8, 2019, or this case may be dismissed without further notice.**

7 IT IS FURTHER ORDERED that petitioner's motion for status check **[ECF No. 36]** is  
8 **DENIED** as moot.

9 Dated: February 22, 2019

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12 U.S. District Judge Jennifer A. Dorsey  
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